



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: CADIENTE et al.

Attorney Docket No.: SMBRP001

Application No.: 10/017,893

Examiner: GROSSO, Harry A.

Filed: December 12, 2001

Group: 3727

Title: METHOD AND APPARATUS FOR
PACKING AND BI-DIRECTIONAL COOLING
OF PRODUCE

Confirmation No.: 9942

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on March 30, 2006 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signed: _____

Sue Funchess
Sue Funchess

**COMMUNICATION TO
TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321
TO OBVIATE AN OBVIOUSNESS-TYPE
DOUBLE PATENTING REJECTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants' representative thanks Examiner Grosso for his telephonic interview of March 27, 2006 in which a discussion of USPN 6,962,263 was discussed. In view of that discussion and the interview summary regarding the same, the Applicants hereby respectfully submit the terminal disclaimer contained in this document. Based on this terminal disclaimer and the accompanying remarks, the Applicants request reconsideration of this application and request a Notice of Allowance.

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TERMINAL DISCLAIMER

The owner(s), Sambrailo Packaging, Inc., of the entire interest in the above-identified application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and §173 of prior United States Patent No. 6,962,263 (hereafter "prior patent"), as presently shortened by any

terminal disclaimer. The owner(s) hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and §173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.


The undersigned is an agent or attorney of record.

Enclosed is our Check No. 29796 in the amount of \$130.00 to cover the disclaimer fee. If the required fees are not enclosed or additional fees are required to facilitate filing of this paper, please charge such fees or credit any overpayment to Deposit Account No. 50-0388 (Order No. SMBRP001).

The Applicants request a consideration of this case and a Notice of Allowance. Should the Examiner have any questions concerning this case, he is invited to contact Applicants' counsel at the number provided hereinbelow.

Respectfully submitted,

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